

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2022/62/93674/E
Site Address:	175, Quaker Lane, Cleckheaton, BD19 5JD
Description:	Erection of two storey side and single storey rear extensions
Recommending Officer:	Edward Cheseldine

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 20-Mar-2023

Officers Report

Site Description

175 Quaker Lane is a two-storey, semi-detached property in Cleckheaton. The property exterior is constructed with brick walls and is partially clad on the first-floor, which is accompanied with Upvc windows. The property features a hipped roof which is clad with concrete tiles. The property hosts a front and rear garden with a side drive access. To the front of the property is a driveway which currently hold space for one motorised vehicle. Currently, there are no outbuildings attached to the property.

Quaker Lane is a residential street, where the main housing types are semi-detached houses of a similar age and appearance to No. 175. The layout and appearance of the houses give the street a character of openness owing to the space between the properties, the spatial layout and front garden space.

Description Proposal

This application is to seek permission for the erection of a two-storey side and a single-storey rear extension.

The side extension is proposed to project 2.1m, to a length of 11.0m which includes the length of the house plus the proposed rear extension. The side extension is proposed to be a height of 5.0m to the eaves of the existing property, with the maximum height including the hipped roof proposed to be 7.4m.

Proposed features of the side extension are to be one window and a double garage door on the front facing elevation, as well as one single window on the first-floor rear elevation.

The single storey rear extension is proposed to project 3.0m, to a width of 7.5m which is the full width of the existing dwelling with the width of the side extension. The rear extension is proposed to be 2.4m to the eaves of the extension, to a maximum height of 3.5m including the pitched roof.

Proposed features of the rear extension are to be four skylights, four ceiling to floor windows, a single Upvc door and a single window.

Materials of the property are proposed to match the materials of the existing dwelling. There are proposed to be brick & render exterior walls, concrete roof tiles and matching Upvc window frames.

Relevant Planning History

There are no prior planning applications for this site.

History of negotiations

Negotiations have been sought to address initial concerns regarding the size of the extension in relation to property boundaries, with design guidance outlined in the House Extensions & Alterations Supplementary Planning Document (2021). Adjustments to design were made, however a 1.0m gap between the extension and the boundary was not established. Therefore, a justification for the breach of policy was requested, which is explored within the full report below.

Representations

The application was advertised by neighbour letters, which expired on 09/01/2023. As a result of the above publicity, no representations have been received.

Consultation Responses

No consultation has been required.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** - Design
- **LP 30** – Biodiversity

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 2) Impact of visual amenity
- 3) Impact of residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Alterations and Extensions SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The proposals comprises of a two-storey side extension and a single storey rear extension that will be assessed separately, as well as accumulatively. Extensions should relate to existing buildings in terms of size, scale and form, appearing as natural enhancements to the streetscape. A terracing effect from accumulative extensions should be avoided with existing space between houses retained to keep an attractive appearance of the street.

Quaker Lane is characterised by residential dwellings that form the aesthetic of the street. The uniformity of the dwellings in parallel rows with open garden space and the spatial pattern of the dwellings forms the street's design. Each dwellinghouse has access to the rear through the side driveway separating the housing sites. Several of the properties on the street have been extended.

Chapter 12 of the National Planning Policy Framework provides policy guidance for decision which, amongst other things, should support development which is sympathetic to the local area including the surrounding built environment (para. 130). Kirklees Local Policy supports good design considering proposals for extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details (LP 24).

Single storey rear extension

Rear extensions should consider the relationship of the host dwelling in terms of size and scale, as to not appear large, whilst maintaining reasonable outdoor space, and not being visible from the roadside. The impact rear extensions cause to neighbouring properties, such as a loss of light or obstructing outlooks should similarly be avoided.

House Extensions and Alterations Supplementary Policy Document (HEASPD) paragraph 5.6, provides clear guidance of what relates to good design for single storey rear extensions;

- be in keeping with the scale and style of the original house;
- not normally cover more than half the total area around the original house (including previous extensions and outbuildings);
- not exceed 4 metres in height;
- not project out more than 3 metres from the rear wall of the original house for semi-detached and terraces houses or by 4 metres for detached properties; where they exceed 3m in length the eaves height should generally not exceed 2.5 meters;
- and retain a gap of at least 1 metre from a property boundary, such as a wall, fence or hedge.

Materials of the property relate to the host dwelling which are in keeping with the surrounding properties, which is appropriate.

In terms of scale, additions to the dwellinghouse are less than half the total area of the original house which is considered appropriate in scale.

In terms of size, the height of the extension does not exceed 4.0m in height. The projection of the extension is 3.0m which is policy compliant, leaving adequate outdoor space. The projection ensures the rear extension would not be visible from the roadside. However, the extension does not retain an adequate gap to each boundary.

Two Storey Side Extension

Paragraph 5.20 of the House Extensions and Alterations SPD states, two storey side extensions should;

- Not take up all or most of the space to the side of a house;
- Maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and
- Be set back at least 500mm from the front wall of the house.

The side extension would project 2.1m, taking up the majority of the existing space to the side of the house. A 0.2m gap between the extension and property boundary will be left. The extension is set back and down appearing subservient to the original dwelling. Cumulatively, the side extension would not be compliant when considered against paragraph 5.20 of the House Extensions and Alterations SPD in terms of projection. Furthermore, the extension does not retain an adequate gap to each boundary.

In terms of considering the impact the design would have on the host dwelling and wider street scene, a justification was request by the planning officer as to, why a gap between the boundary could not be retained. An email response of justifications

was received on 08 February 2023;

- The adjacent property (No. 173 is approximately 1m higher than the neighbouring property, mitigating a terracing effect
- The existing width at the side of the property is limited, reducing the extension projection by 1m would make the internal space uninhabitable
- New insulation regulations increased the width of the external walls by 50mm
- No. 162, 166 & 171 have two storey extensions in full height and width

Considering the justification, the 1m ground level difference would not mitigate a terracing effect or an overbearing of neighbouring private amenity space as the height of the side extension would still be 4.0m from the ground level of No. 173. It is acknowledged that the side space is narrow and reducing the width would create uninhabitable internal rooms, however, Officers consider that this is not outweighed by the harm to visual amenity.

Consideration to properties in the local vicinity with existing two-storey, side extension with similar design is given a significant weight in the planning balance. As such an assessment into No. 162, 166 & 171 has been made. Planning permission for No. 162 was granted in 2001. Planning permission for No. 166 was granted in 2001. Planning permission for No. 171 was granted in

1999. Since the publishing of the House Extensions and Alterations SPD (June 2021), there have been no examples on the street where planning permission for two-storey side extensions has been granted. Thus, the new weight given to policy set out in the publishing of the House Extensions and Alterations SPD (June 2021) to prevent a terracing effect and overbearing impact on neighbouring amenity space is afforded significant weight within the planning balance.

Having considered the above factors, the proposals are considered to result in a significant, adverse impact upon the visual amenity of the streetscene due to the lack of retention of a 1.0m gap to the property boundary and would not comply with Policy LP24 of the Kirklees Local Plan as well as guidance set out in the Extensions & Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions and Alterations Supplementary Policy Document (HEASPD) goes into further detail with respect to outlining principles.

- HEASPD - Key Design Principle 3, *'extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours'*.
- HEASPD - Key Design Principle 4, *'extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.'*

Impact on 173 Quaker Lane

No. 173 is to the south of the application site and is the adjacent, detached property. In terms of an impact to privacy, there are no side windows proposed that would overlook No. 173 as such there will not be a change to privacy relations. In terms of an overshadowing impact, the extension would be located a further 2.1m closer to No.173 at a height of 5.0m. Given the ground level distance this would be a height of 4.0m. Given the height of the proposed extension with the projection, it has been assessed the proposal would not present an overshadowing impact on the dwelling. Due to the sun's orientation, there will be a minimal loss of light.

No.173 contains two non-habitable room windows within its facing side elevation. Given the nature of these, and the fact that the two storey element of the proposals would sit in line with that of the neighbouring property, separated by the driveway of that property, the proposal is not considered to

result in an overbearing impact on the occupants of No.173. In addition, the single storey rear extension would have a limited impact on the amenity of the occupants of No.173 by virtue of its design and orientation to the north.

Impact on 177 Quaker Lane

No. 177 is situated to the north of the application site and is the adjoining semi-detached property. In terms of privacy, there are no additional openings facing No. 177. Furthermore, the extension has the ability to overbear the neighbouring property at 177 Quaker Lane by fully or partially obscuring the outlook from a habitable room and blocking sunlight due to the sun's orientation which is contrary to Key Design Principle 4, 5 & 6 of the HEASPD. As such, a visual assessment ensuring a 45oC angle of outlook from each window can be established. Given this, it has been assessed a ground floor, habitable window would be partially obscured with less than a 45oC outlook owing to the projection, height and proximity of the ground floor extension.

Impact on 166 & 168 Quaker Lane

These properties are to the east of the application site on the opposite side of Quaker Lane. There will be one additional first floor window at No. 175. Given there is already an existing outlook and distance will not change, it has been deemed there will not be a significant change to outlook. The extension will not overbear these properties.

Impact on 1 & 3 Ashbourne Way

These dwellings are to the west of the application site on the adjacent road to Quaker Lane. In terms of these dwellings, the outlook from the application site will be enhanced by 3.0m. Given the distance is estimated to exceed ~21m it has been assessed there will not be a significant impact to privacy levels. There will not be an overbearing effect.

Impact on 13 & 15 Ashbourne Drive

These dwellings are situated to the north of the application site and face into the rear garden of the application site. There are proposed to be no side windows facing these properties, although there will be an enhanced outlook by 3.0m due to the rear extension. Even so, given there will be a 45 oC angle and there is an existing outlook from these properties, it has been assessed there will not be a significant change in privacy levels. Similarly, the extension will not overbear these properties.

Having considered the above factors, the proposals are considered to result in a significant, adverse impact upon the residential amenity of the neighbouring occupants at 177 Quaker Lane and does not comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, as well as Key Design Principles 4, 5 & 6 of the Extensions &

Alterations SPD and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will result in an intensification of domestic use, albeit through extending existing bedrooms. The parking to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling is to the rear of the house which will be affected by the proposal as side access will be blocked. Even so, there will be sufficient space to the front for bin storage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

Biodiversity

The proposal is for the construction of a two-storey side and a single-storey rear extension which will affect the main roof of the existing dwelling. The site is situated in an area that is known to include bat habitats, as such, if signs of bat habitats were found during construction, expert advice should be taken and the advice of a licensed bat worker sought.

Carbon Budget

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion:

This application to erect a two-storey side and a single-storey rear extension at 175 Quaker Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the House Extensions & Alterations SPD, the Kirklees Local Plan and National Planning Policy Framework and other material considerations. Given the negative impact due to design and harm in terms of visual amenity and residential amenity, the proposed extension is considered to be unacceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

Refusal

Reasons for Refusal

1. The two-storey side extension, by reason of its scale and close proximity to the property boundary, failing to maintain a 1.0m gap, would appear cramped within the plot and would close a gap between semi-detached houses, eroding a sense of space between dwellings which is a positive characteristic of the street-scene. This would be detrimental to visual amenity and contrary to the key design principles of the Kirklees House Extensions and Alterations Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
2. The single storey rear extension, by virtue of its location and close proximity to the property boundary, would have a detrimental impact upon the residential amenity of neighbouring occupants by reason of overbearing and overshadowing, contrary to the key design principles of the Kirklees House Extensions and Alterations Supplementary Planning Document (SPD), Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Grouped Plans and Elevations	22/170/A	22/02/2023
Grouped Plans and Elevations	22/170/B	22/11/2022
Proposed Site / Block Layout	SP	22/11/2022
Location Plan	LP	22/11/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this, amendments have been sought, with concerns regarding property boundaries explored.

